

Ministerial Usurpation

DISPLAYED,

A N D

THE PREROGATIVES OF THE CROWN, with
the RIGHTS OF PARLIAMENT and of the
PRIVY COUNCIL, considered.

IN AN APPEAL TO THE PEOPLE.

There is in all Governments a certain Temper of Mind,
natural to the Patriots and Lovers of their Constitution,
which may be called *State Jealousy*. It is this which makes
them apprehensive of every Tendency in the People, *or in*
any particular Member of the Community, to endanger or dis-
turb that *Form of Rule, which is established by the Laws and*
Customs of their Country.

THE FREEHOLDER.

D U B L I N :

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My Fellow Subjects!

WHEN I had the Honor of addressing a *Letter to a Great Man*, in which I humbly submitted *Reasons, Why the approaching Treaty of Peace should be debated in Parliament* *, to his and Your Consideration, I little suspected that my Mode of Address would subject me to the grievous Imputation of being influenced by the black and malignant Design of Faction.

But so it is, that an angry Gentleman, who has published *Remarks* on my Letter, has not scrupled to bring this heavy Charge against me.

As this Charge, if true, would prove me guilty of the highest Offence against the *Public*, it becomes me to Appeal to *You* in my own Justification.

I the more gladly embrace this Occasion of addressing You, as the *Remarker's* unconstitutional Propositions and Arguments, open to me an Opportunity of animadverting on some Abuses in the Administration, which, as Members of a free Government demand your most serious Attention.

We live under a happy Constitution, which abhors the Exercise of illegal Power: We are under the mild Sway of a gracious Sovereign, who does not desire to make the least Invasion on his People's Liberties: And we are defended by a Parliament, who would not suffer such Encroachments.

But while we are thus, to all Appearance, happily circumstanced, a Power unknown to the Constitution, has imperceptibly stolen upon us, and

* The Pamphlet so entitled, is published by JAMES HOEY, junior, at the *Mercury* in *Skinner-Row*, Price a *British* Sixpence.

established itself in Diminution of the Rights both of the Crown and of the Parliament.

I am not afraid to say that certain great Officers of State have, for a long time past, talked a Language, and usurped an Authority, which the Constitution does not warrant.

The honorable Personage, whom, from the Nature of his Office, it is now customary to call the Minister, is not chargeable with this Usurpation. We do not know that He has ever exercised any unwarrantable Power, and we trust that he will exert his Influence, to prevent any such Power from devolving upon his Successors.

It was for this Reason, among others, which I shall mention, that I addressed myself to Him alone : a Circumstance, which has drawn the *Remarker's* Indignation upon me. To shew however, how little Foundation the Gentleman has for indulging the Resentment he has discovered on this Occasion, I shall examine his Remarks with Candor and Impartiality. This Examination will naturally lead me to expose the fatal Effects of Ministerial Usurpation, which has already altered, and is likely to overthrow, the Constitution : And in the Conclusion, I shall offer *farther Reasons why the approaching Treaty should be debated in Parliament*, as the proper Means to destroy undue Ministerial Influence.

The *Remarker* is pleased to premise, that “ He
“ has no Objection to the Method I propose for
“ negotiating the Treaty of Peace—the great and
“ primary End of my Pamphlet—But that He has
“ many and very significant Ones to the *Mode* of
“ my Address *.”

He then does me the Honor to introduce the Charge against me, with the following Compliments

* See Remarks, P. 2.

on my Abilities, which I am conscious I as little deserve, as I merit his subsequent Reproaches.

“ You are certainly (he is pleased to say of me)
 “ a Gentleman of some Erudition. You have read
 “ the History of England it is plain ; You are not
 “ a stranger to our Constitution, and You must
 “ know something, one would think, of the Train
 “ of public Affairs. It is therefore impossible You
 “ should be ignorant of the Impropriety of your
 “ Mode of Address. One may laugh at the Folly
 “ and Credulity of the Vulgar on this Subject, as
 “ a Thousand others I suppose have done as well
 “ I have, but when a Man sets himself up above the
 “ Vulgar, and Echoes back all their Nonsense and
 “ Absurdity, he must have a Design which is
 “ not avowed ; the black and malignant Design of
 “ Faction *.”

This is indeed a heavy Accusation. But I flatter myself, that, without the Exertion of any extraordinary Skill, I shall be able to cast the Load on my Accuser : And I apprehend that the Burthen will be found more fitting to his Shoulders than my own.

To fix this dark factious Design upon me, He observes, that “ had I been unacquainted with
 “ public Affairs, yet the least Attention to the
 “ Letter on which I founded my own would have
 “ taught me better.”

“ When that Writer” says he “ had addressed
 “ himself to two Great Men, as those who have
 “ directed our Council with Unanimity, how came
 “ You, Sir, to separate them, and to address Your-
 “ self to One alone ; and to that One of the two
 “ particularly, who is very *subordinate* to the
 “ Other ?” He adds, that Author, Sir, has told
 “ Us, (and if he had not told it, common Sense

* See Remarks, P. 7.

would have informed Us) that, “ the Rank, the
 “ extensive Influence, and the personal Authority
 “ of the noble Lord, have given Him the *Pre-*
 “ *eminence* in public Affairs *.”

Had common Sense told me that these Circumstances gave the noble Lord Pre-eminence, I should have trusted its Information. But though I respect the Letter Writer’s Abilities, and applaud his Zeal, yet I cannot, even upon his Credit, subscribe to this extraordinary Proposition.

I would ask the Letter Writer and the Remarker, whether the noble Lord has more Wisdom, more Loyalty, more Patriotism, more Virtue, than his Colleagues in the Administration? Such superior Endowments might indeed give him a Claim to Pre-eminence. But as to his *Rank*, though it gives Him Pre-eminence as a *Subject*, it gives Him none as a *Statesman*: And with Regard to his *extensive Influence*, and *personal Authority*, I do not, at least I am unwilling to understand, what is meant by these Qualifications.

But the Remarker partly explains his Meaning in the following extraordinary Interrogation. “ Would
 “ the Duke of *Newcastle*, do You think, have voluntarily quitted the Post of Secretary of State
 “ with a larger Appointment, to accept that of
 “ first Commissioner of the Treasury, with a less,
 “ if it had not increased his Power and Influence;
 “ if it had not made Him in fact the *first and*
 “ *chief* Minister? †.

The noble Duke must be indeed pre-eminent, his Influence must be extensive, and his personal Authority must be great, to enable him to take his Choice of the high Offices of State. I respect his

* See Remarks, P. 7 and 8.

† See Remarks, P. 10.

Grace as much as the Remarker can, and I will venture to say, that he will not think himself obliged to the Gentleman for attributing to him such undue Influence in the Administration. God forbid that any Subject should ever acquire such Influence !

But I would ask upon what Authority, He pronounces the first Commissioner of the Treasury the *first and chief* Minister ? I know, and I am sure the Constitution knows, *no chief* among the Ministers of State.

The Gentleman is pleased to inform us * that he has been tolerably conversant with public Affairs all his Life—that he is a little advanced in Years—that he knows something of the Methods in which the great Business of the Nation is carried on and conducted—and is not totally ignorant of the Power and Influence appropriated to the several Departments and public Offices of State.

I am sorry that I cannot allow him the Share of Knowledge which he assumes. He may know indeed, and alas, we all know too well, by what Methods the great Business of the Nation *has been* carried on ; but he will pardon me the Liberty of adding, that he seems an entire Stranger to the Methods which the Constitution directs. If he had not been totally ignorant in such Respect, he would never have given Place to the following Interrogations.

“ Have You ever met, Sir, with any Instance
 “ in our History of a Secretary of State being the
 “ *first* Minister ? How came it into your Head
 “ then to conceive, that a Secretary of State is the
 “ SOLE Minister ?—An Officer who has no more
 “ to do with raising and appropriating the public

* See Remarks, P. 3.

“ Money than You and I have. Could Mr. *Har-*
 “ *ley*, Lord *Sunderland*, or Mr. *Boyle*, do You
 “ think, in Queen *Ann’s* Time, have conducted
 “ the War without the Lord Treasurer my Lord
 “ *Godolphin*? Or which do You suppose was the
 “ greatest of those in Power and Influence at home
 “ or abroad? Could Mr. St. *John*, in the same
 “ Reign, have concluded the Treaty of Peace,
 “ without the Lord Treasurer My Lord *Oxford*?
 “ Or which of the Two, do You apprehend, was
 “ chief in Council and in the Administration of
 “ our Affairs?” *

I should be ashamed, my Countrymen, to mispend my Time in resolving such absurd and puerile Questions, did not my Answers lead to an Explanation of those Principles, which I have the Honor to submit to your Consideration.

First then I must assure the Gentleman, that I never yet entertained a Conception that a Secretary of State was *SOLE* Minister;—and I will be bold to say that no such Conclusion can be drawn from my having addressed that great Officer alone:—Neither did I ever apprehend, that a Lord Treasurer was *first* Minister. I never imagined that either of them was chief in Council, or that both of them united were, by reason of their Offices, or any other *constitutional* Reason entitled to the principal *Direction* and Administration of Affairs.

I know that their Offices are *merely Ministerial*; and for the Benefit of the Gentleman and others who may not have sufficiently attended to those Concerns, I will endeavour to give a general Description of their several Duties.

The Office of Secretary was executed by One Person till about the End of the Reign of King

* Remarks, P. 10.

Henry the VIIIth, at which Time it was divided between Two, who are both of equal Authority, and stiled principal Secretaries of State. The Correspondence with all Parts of *Great Britain* is managed by either of the Secretaries without Distinction; but with Regard to foreign Affairs, all Nations who have Intercourse with *Great Britain*, are divided into two Provinces, the *Southern* and the *Northern*; of which the Southern is under the *Senior*, and the Northern under the *Junior* Secretary. The Secretaries have Power to commit Persons for Treason, and other Offences against the State: A Power, as is said, incident to their Office. In their Hands, the *Requests and Petitions of the Subjects* are generally lodged, to be by Them represented to his Majesty: And they are to make Dispatches thereupon, pursuant to his Majesty's Directions. One of them is supposed always to attend the Court, and by the King's Warrant to prepare all Bills or Letters for the King to sign, not being Matter of Law. The Office called the Paper Office, which contains all the public Writings of State, Negotiations and Dispatches; in short, all Matters of State and Council, are under their Care; and they have the keeping of the King's Seal, called the Signet, with which the King's private Letters are signed. They are *Privy Councillors*, and a Council is seldom, or never, held without the Presence of One of them.

The Office of Lord Treasurer, now executed by Commissioners *, is to take Care and Charge of all

* Whether this Division has not multiplied, and was not intended to multiply, the Number of Dependants, without lessening the Authority of a sole Manager, may be conjectured from the following Anecdote.—“ A certain great Minister, who was first Lord of the Treasury,
“ fury,

all the King's Wealth in the Exchequer; he has likewise the Check of all the Officers employed in collecting the Customs and royal Revenues; all the Offices of the Customs in all the Ports of *England*, are in his Gift and Disposal; Escheators in every County are nominated by him; and He makes Leases of all Lands belonging to the Crown. This great Officer is likewise of the Privy Council.

But great as this Officer is, He has not, as the Gentleman seems to insinuate, or at least ought not to have, any exclusive Influence in raising, or any Power whatever of appropriating, the public Money. His Business is only to issue it under the Authority of legal Warrants for that Purpose; And the Constitution is so jealous of this Appropriation, that We have known Treasurers called to an Account for Sums wantonly and profusely applied, though issued under the Sovereign's Direction.

In short, neither the Secretaries or the Lord Treasurer, have, as Officers of State, any other Power than what is merely Ministerial. As such, they are Servants of the Crown, and are to act in their respective Offices, under the Sovereign's Directions. Their extra-official Power, that is, their Right of interfering with the *general* Administration of Affairs, and of deliberating upon, and advising about, National Measures, is in Consequence of their being Privy Councillors.

"sury, proposed something at the Board which was opposed by One of his Colleagues: The Minister resented the Opposition, and intimated that the Other had no Right to dispute his Pleasure.—Then, said the Opponent briskly—What do I sit here for?—To ipititle You to receive 1500 a Year, replied the Minister."

As

As Secretary or Lord Treasurer, they have not, constitutionally speaking, any more Power, out of their Offices, than the Gentleman or myself. It is as Privy Councillors that they have a constitutional Right of sharing in the general Direction of public Concerns.

It is true, as Officers of State they have a local Precedence in Council, but no Pre-eminence in the Administration. They are at the Council Board, by Reason of their Places, *Majores Singulis, Omnibus Minores.*

I own therefore, though I did not choose like the Remarker to cavil about *Modes* and *Persons*, that I was concerned to find an Author of the Letter Writer's Knowledge and Abilities, address himself to *Two Great Men only*, as the Persons by whose joint Concurrence the Administration is conducted.

This, if true, should have been kept a Secret. Whatever the Remarker may think, I have so little Conception of a *sole* Minister, that I should be sorry to see any *two Men*, however wise and virtuous, assume the Government of *Great-Britain*.

Did our Constitution tolerate such a *Duumviracy*, I am persuaded that it could not be entrusted in better Hands than with the two great Personages to whom the Letter Writer addresses himself.

But what Security can they give that their Successors will inherit their Abilities and Virtues? It may seem an extraordinary and paradoxical Proposition, but it is nevertheless true, that Men of the greatest Talents and fairest Integrity, have sometimes been the worst Enemies to their Country.

By their Wisdom and Probity they have acquired an undue Share of Credit and Popularity: and if they have not lived to abuse it themselves, yet out of the Seeds of their inordinate Power, a
Race

Race of Tyrants and Traitors have been engendered.

It is the Nature of lawless Power, however, to change the Dispositions of the best Men. *Caligula* and his Uncle *Claudius* were good Subjects and harmless Citizens, but tyrannical and bloody Emperors ; more especially the former. Even *Nero*, while a private Man, lived inoffensively, and, for sometime after he was Emperor, reigned virtuously. The good Councils of *Seneca* and *Burrhus* for a long while restrained his wicked Disposition ; But at length breaking through all Restraint, he proved a savage Monster, and lived in open Enmity with Mankind.

But it must be admitted, that lawless Power does not always corrupt the Possessors. There are Instances of absolute Magistrates who have studied and promoted the Good of the Subjects : Yet the fatal Effects of that Power have, sooner or later, been felt in their Successors.

Vespasian indeed bequeathed to the *Romans* the gentle and beneficent *Titus* : But he also left behind him the cruel and bloody *Domitian*. To the Justice and Generosity of *Julius Caesar*, the Mildness and Clemency of *Augustus*, succeeded the Barbarity of *Tiberius*, *Caligula*, *Claudius* and *Nero*.

We ought to be jealous therefore, how we trust any unconstitutional Power with any particular Members of the Community. All civil Evils have begun from excessive Power in State Officers, and the Redress of every civil Evil from an Opposition to their Pretensions and Excesses.

No Nations ever preserved their Liberty long, where the chief Officers were invested with arbitrary Sway ; and no Nation was ever enslaved, where Power was properly checked and divided. Nations are free, where Magistrates are their Servants,

vants, and Slaves where Magistrates are their Masters.

I speak a Language, my Countrymen, which of late you have been little used to : But I speak the Language of the British Constitution. It may be thought however that this is not a proper Time for such Freedom of Remonstrance. The successful State of our Affairs, the Unanimity, the seeming one at least, of our Councils ; and the public Confidence in the Administration, may be supposed to leave no Room for jealous Fears.

But this particularly is the Time when we ought to be most circumspect. This is the Time when Abuses steal upon us imperceptibly : And this is the Time, when we find such a good Disposition in his Majesty and his Ministers, that we are to solicit the Recovery of constitutional Rights, and to expect Security against future Encroachments.

The unwarrantable Power which has for Years past been exercised by some Great Officers of State, is sufficient to rouse the Attention of every Freeman of Great Britain. But unhappily Opinion and Reputation have often too great an Influence over our Judgments. The Change of a Minister, and the Removal of *immediate* Grievances and Distresses in Consequence of such Change, make Us blind to future Dangers and Calamities.

It is now no Time to dissemble ; and We may be bold to say, that while the unconstitutional Power of a Minister prevails, the Balance of our Constitution is merely ideal.

If a few Men can monopolize Power, and by their *extensive Influence and personal Authority* direct the rest, where is the Prerogative of the King, where are the Privileges of Parliament, where are the Rights of the People ? — All absorbed in an unconstitutional Channel !

The

The Government of Great Britain is, if I may be allowed the Expression, a *Royal Republic*. The executive Branch is entrusted with the King, the Head of the Commonwealth. The Laws are recommended to him by his Parliament, and executed by the several Ministers of Justice. All directionary Acts of State are presumed to be done by the Advice of his *Privy Council*, who are answerable for the Advice they give. The Prerogatives of the Crown are various and extensive: And the Chief among them is, that the King names, creates, constitutes, and removes all the great Officers of the Government.

But what becomes of this precious Prerogative if, by a Combination among Leaders of *extensive Influence and personal Authority*, his Servants are obtruded upon him, and presume to canton out the several Departments of State at their Pleasure? If such Intruders should be bad Men, will they not endeavour to deceive and fetter the King, while they fleece the People?

The Sovereign, in that Case, would be in the Condition described in the History of the Emperor Aurelian. *Colligunt se quatuor vel quinque, atque unum Consilium ad decipiendum Principem capiunt: Dicunt quod probandum sit. Imperator, qui Domi clausus est, vera non novit. Cogitur hoc tantum scire quod illi loquuntur: Facit Judices quos fieri non oportet; amovet a Republica quos debbat obtinere. Quid multa? Bonus, cautus, optimus venditur Imperator.*

“ Four or five men conspire together to impose
 “ upon their Prince. They tell him only what
 “ they think will be agreeable to him. They
 “ keep him immured in his Palace, so that He
 “ has no Opportunity of learning the Truth; or
 “ of knowing any Thing concerning the State of
 “ his Affairs, than what they think proper to in-
 “ from

“ form him. For want of due Information he
 “ promotes Men who are unworthy of their Of-
 “ fices, and removes those from his Councils,
 “ whom he ought to invite to his Cabinet. In
 “ short, by such Means, the best and worthiest
 “ of Princes are bought and sold.”

Such will be the Consequence if the Intruders are worthless. But admitting them to be eminent for their Virtues and Abilities, yet how dangerous and miserable must the Condition of that Kingdom be, which depends for its Security, on the personal Virtues of its Governors, who cannot ensure their own Existence for a Moment!

It is always to be feared, that the inordinate and unconstitutional Power which, in their Hands, constitutes our Happiness and Prosperity, may, in the Hands of their Successors, prove our Misery and Destruction.

In essential and fundamental Points of Government, *Form*, if I may be allowed the seeming Contradiction, is in Fact *Substance*: It is not sufficient that we are right in the End, but We ought also to be regular in the Means: It is not enough that Affairs are well administered, but they ought to be administered by the Persons, and according to the Rules which, the Constitution prescribes. Otherwise the Administrators, however they act with Wisdom and Integrity, do nevertheless exercise an arbitrary and discretionary Power; and whenever such Power falls into bad Hands, it must prove fatal.

We all know that such Power has been usurped for the worst of Purposes: And we still feel the Effects of the Usurpation. It must therefore grieve every Friend to his Country, to hear that such a great Officer of State is to undertake the Conduct of foreign Affairs, and such a One the Manage-
 ment

ment of our Concerns at Home. Such a lawless Participation of Power ought to alarm every Briton : For it is such as ought not to be divided between any two Beings, however deserving, who are less than immortal.

We may call our Government by what Name we please, and divide it into as many imaginary Orders as we please, but while any two, or more, share the Rule between, or among them, it will in Fact be, what we know it has been, an *Oligarchy*.

Of all Modes of Government this, perhaps, is one of the worst : And it is doubly dangerous when it is carried on by *extensive Influence and personal Authority*, without the visible Exertion of *absolute Power*.

Arbitrary Acts of *Power* would immediately alarm the People, and rouse them to Resistance : But when Government is managed by undue *Influence and Authority* over those who ought to be the Guardians of public Liberty——by deceiving one, bribing a second, promising a third, flattering a fourth, cajoling a fifth, intimidating a sixth, and abusing the whole——then it seems to wear the Form of legal Administration, and passes unobserved, but by some few jealous and discerning Patriots, who often attempt in vain to open the Eyes of the Public, blinded by the general Delusion.

It is to this undue Influence and Authority that we owe all the Struggles and Factions which have for Years past rended the Kingdom. This has made the great Offices of State, Objects too well worth Ambition, not to excite Men of strong Passions to contend for the Prize : And this has made those Posts so dear to their Possessors, and they have practised the basest Means to secure their illicit Power, to the Prejudice of their Country.

How

How many Millions, we may say, has it formerly cost this Nation, only to decide, in Fact, whether Sir Robert or Sir Thomas should be prime Minister? During the Contest between them, how has public Interest suffered, how has public Liberty been abridged?

Let us not flatter ourselves. While the great Officers of State are suffered to retain this unconstitutional Influence, there will be no End to the Struggles of Faction. At present indeed every Thing seems quiet, smiling and prosperous. The Change of the Ministry in Conformity with the popular Wishes, is generally productive of Unanimity, which inspires fresh Courage and Resolution, and seldom fails of being rewarded with public Success.

But the Seeds of Discontent are in the *perverted* Nature of the Administration: And though the Wisdom and Vigour which has directed the national Measures, with the well deserved Popularity of the great Personage whom the public Voice hails as Minister, has hitherto nipped the Bud of Opposition; nevertheless, if not in his Time, yet in that of his Successors, it will shoot forth with redoubled Strength, and plentifully yield the baneful Fruit of Faction.

In short, the repeated Shocks which the Constitution sustains, from the frequent Contests for ministerial Power, must in the End infallibly destroy it.

If select Officers of State can command the exclusive Direction of foreign and domestic Affairs; if they can agree among themselves, and say, "You shall enjoy such an Office—Your Friend shall hold such a Post—and I will preside in this Department."—If after having made this illegal Distribution, they can rush into the Cabinet, and

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force the Sovereign to a Compliance with their Usurpation—to what Purpose have our Forefathers framed this excellent Model of Government, which has been the Administration of Ages ?

If Ministers, as we know they have done, should ever again in this Manner, share the Prerogative among them : if they should moreover give Laws to the Parliament, and sink the Privy Council into a mere *Court of Appeal*—the Consequence may be, that this inordinate and unconstitutional Power may hereafter vest in such Hands, as, by closing with the Views of an ambitious Sovereign, may pave the Way for absolute Power. Or perhaps, their Usurpation may rouse some zealous Patriots, whose successful Opposition may tempt them to establish a Democracy : Or, what is worse, these Patriots, corrupted by Success, may set up for themselves, and, like *Cromwell*, tyrannize under the Title of Protectors.

These Speculations may seem vain, and these Apprehensions distant : But, in Truth, should such Influence prevail, they will be found to be neither remote or ill founded. Men of little Knowledge and less Reflection cherish a groundless Confidence. They are more attached to Names and Persons, than to material and essential Properties. Under a Patriot King and a virtuous Administration, they can form no Idea of a future Tyrant or Traitor.

But the Eye of the discerning Politician can discover the dark Approaches of Discord and Tyranny, amidst all the Glare of Unanimity and Patriotism : As the skilful Mariner can see the Storm gathering, while, to a common Beholder, the Sky is all Serenity and Brightness.

Every jealous and sagacious Patriot therefore, will be an Enemy to all exorbitant and unconstitutional

tutional Influence : And he will be seriously concerned to see any Order or Officer of State, exercise a Power which the Constitution has not allotted to their respective Departments.

Perhaps it may not be difficult to trace the Origin of this irregular Power in the Ministers of State. Certain great Officers, such as Secretary, Lord Treasurer, &c. who by Reason of their Places were more immediately about the Throne, naturally received Applications from such as were Candidates for Preferment in the Disposal of the Crown.

When it was found that their Recommendations or Importunities were Passports to Promotion, the Ambitious and Necessitous naturally attached themselves to the Persons who held those Offices, and implicitly espoused their Interest ; by which Means they enabled them at length to gain an Ascendancy over the King and People : For these Ministers feeling their own Strength, and finding that nothing could be granted but through their Intercession, began to dictate both to the Crown and Parliament, and to assume an extraordinary Influence in the Administration, which our Form of Government does not authorize.

Let us hope however to see them restrained within the due Limits of their Duty. Their Offices, as I have said, are merely ministerial. They have indeed, as they ought to have, the Disposal of Places within their respective Departments ; which is reasonable, as they are answerable for the due Discharge of their several Duties. But no great Officer has, or ought to have the Privilege of appointing another ; nor are they, or any Number of them, as Officers of State, entitled to the exclusive Management of Affairs.

If they are required to do any Thing illegal in their several Offices, they have a Power, nay it is their Duty, to remonstrate : But they have no Right, other than as Privy Counsellors, to interfere with public Business out of their Departments ; nor as Privy Counsellors even, or in any Capacity, are they entitled to perform many Acts of Power which we have known them exercise.

Our own History affords us melancholy Instances of Revolutions occasioned by this undue Influence ; and wherever it is exerted, it will always administer Occasion for those Discontents, which sometimes burst forth in all the Rage of civil Commotions. The Constitution may by Chance recover from such violent Shocks, but it sometimes, as ours did in the last Century, perishes in the Struggle.

If Ministers were to confine themselves within their constitutional Sphere of Duty, their Offices would not be such Objects of Envy, nor would that inordinate Power which they have formerly usurped, and of which Mankind is naturally so fond, any more provoke such furious Opposition.

If one or two Ministers do not assume the Power of nominating and creating the great Officers of State, of being the *only Counsellors*, and of directing every Thing at their Pleasure, there will be no Room for Malice to struggle against them, or if it should, the Contention will be short lived. When they do nothing but what they can justify, they will have no need of Tricks and Expedients to cover and disguise their Proceedings.

Some State Empiricks however, insist that such unconstitutional Combination is requisite to counterbalance the Opposition of pretended Patriots, who, for their own private Ends, would otherwise obstruct the necessary Measures of Government.

But they who talk this Language, endeavour to
deceive

deceive us. That which they would persuade us to be a Remedy, is, in Fact the Cause of the Grievance complained of.

It is this irregular Administration we are speaking of, which furnishes these Pseudo-Patriots with Pretences of Opposition, even while Business is prudently conducted. It is indeed their strongest Weapon, and they use it accordingly. Whoever reads the Parliamentary Debates of this Kingdom, especially those in the Reign of the first Charles, will find that our Patriot Harangues turn as much against the unconstitutional Monopoly, as against the Abuse of Power.

When the Government runs in the regular Channel, which the Constitution has cut out, every Order of the State will retain its due Influence, and be more than a Balance for any wanton, malicious, or self-interested Opposition.

When the national Business takes this happy Course, the King will have the Nomination and Appointment of the great Officers of the Kingdom. All weighty and important Concerns of State, which do not require prompt Determination and Execution, will be transacted by the Advice and Consent of *Parliament*. When the national Assembly is not sitting, or upon sudden Emergencies which call for Vigour and Dispatch, the Sovereign will act by the Advice of his *Privy Council*: And in very extraordinary Cases, which demand uncommon Expedition or Secrecy, he *may* perhaps find it expedient to choose a select Number of Privy Counsellors to compose what is called a *Cabinet Council* to assist him with their Advice on such urgent Occasions. *

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But

* It is observable, that our Constitution knows no such Assembly as a *Cabinet Council*: And such a Language would

But, in Truth, these extraordinary Cases, which most frequently occur in Time of War, are oftner *made* perhaps, than they arise naturally. If we may judge from Instances in former Reigns, the less the Nation is managed by *Cabinet Council*, the better. Such extreme Privacy, we know, has been oftner used to keep Secrets from being discovered at home, than to prevent their being published abroad. It has been more frequently used to conceal the Design of Domestic Encroachments, than to secure us against Foreign Dangers.

Nothing can preserve the happy Unanimity which at present seems to subsist, or secure the internal Peace and Welfare of this Kingdom, but an Adherence to the constitutional Mode of Government.

As a Step towards establishing it, I presumed to offer *Reasons why the approaching Treaty of Peace should be debated in Parliament*: And I submitted them to the Great Personage whom I had the Honour to address, not because I conceived him or any other to be *SOLE* or *first* Minister, but because by the Nature of his Office as Secretary, I judged it most regular to communicate my Proposition to him.

The Remarker may observe, that it is incident to the Nature of the Secretaries Office, to have the Requests and Petitions of the Subject, lodged in their Hands to be represented to his Majesty. They are the proper Officers to receive the Propositions of Individuals on Matters of general Import. The Desire of Numbers indeed, should be addressed to their Representatives.

would not be understood in Parliament, or in a Court of Law. The Law indeed takes Notice of the *Privy Council*: But a Privacy beyond that Privacy, and sometimes Secrets even beyond that, is easier to be conceived than justified.

This

This being the Case, wherein is my Mode of Address exceptionable? The Remarker, if he had thoroughly considered my Proposal, would have found that it was addressed to the Secretary merely in his ministerial Capacity, as one who by his Office has most ready and frequent Access to the Throne. To repeat my own Words, I took the Liberty of observing that "As the most effectual Means of opening the Channel of parliamentary Instruction, it depended on him to dispose our Patriot Sovereign to consult with his faithful and affectionate Parliament, &c." Now the making such Suggestion being the Business but of one Man, and the two Secretaries being without Distinction equal in Power, where was the Impropriety of my Address?

It should be remembered that I addressed the Secretary, not the Privy Counsellor. What I humbly proposed was a bare *Act of Office*; I submitted it to him to recommend to his Majesty the Revival of a constitutional Practice, the Legality of which I proved by a Number of Authorities—a Practice, which, however antiquated, ought never to be abolished.

I did not propose Terms of Peace, or any new Matter which required the Deliberation of State Counsellors. If I had, I should not have addressed myself to one or two: I should have known that it did not become me to suppose an unconstitutional Pre-eminence or exclusive Authority, in any select Number of Great Officers.

Even the Remarker himself, who presumes to censure me for not following a bad Example in addressing Two Great Men as the only Managers, is nevertheless so inconsiderate as to argue against his own Proposition, and to remind me of several great Officers who have Seats in Council, and as

he says——“ no inconsiderable Place in the Direction of our Affairs *.”

Why then should not these have been addressed likewise? Why not all the Privy Councillors? Why should the Address be made only to the Secretary and first Commissioner of the Treasury? Why does the Remarker venture to stile the Latter, first Minister: and dare to say that he does in fact preside over our Affairs †?”

I am sure that our Constitution knows no such Officer as first or Prime Minister. And if it did, I could not be persuaded that the first Commissioner of the Treasury is entitled to that Appellation.

If the Claim to such Distinction depends on the Importance of their several Offices, and the Skill required to execute them, I should have thought that in a maritime Kingdom like ours, more especially during a War which has been chiefly Naval, the first Commissioner of the Admiralty, had a better Title to be considered as prime Minister than the first Commissioner of the Treasury; whose Office, compared to the other, is domestic, and, if I may be pardoned the Freedom of the Expression, mechanical.

But, to speak the Truth, it seems indifferent to the Remarker whom he exalts, if he does but degrade the Secretary. He is indeed evidently actuated by that factious Principle which he pleasantly imputes to me: and from some oblique Strokes of Malignity, we may plainly perceive the invidious Colouring of Party.

Thus in taking Occasion to compliment the Duke, he throws out some malevolent Inuendoes, marked with *Italics* lest they should pass unnoticed, by which he would intimate, that somebody wants those Virtues which he ascribes to his Grace: who

* See Remarks, p. 27. † See Remarks, p. 14.

has always, he tells us——“ supported *one public consistent character* of Fidelity to his Master, and Integrity to the Commonwealth ;” and been, “ of *the same Complexion in Parliament throughout every Session* §.”

A Reader must be dull indeed, not to perceive the Hand of Faction in these *Italic* Sarcasms. But I forbear to animadvert upon them as they deserve, as I should be sorry to contribute in the least towards the Recollection of Party Disputes and Animosities.

His Grace's firm Attachments are too well known to need the Remarker's Commendation. But when he talks of Consistence, let him remember that a Man may wear *different Complexions* in Parliament, and yet be consistent in his Fidelity to his Master, and his Integrity to the Commonwealth.

The Consistence truly laudable, does not depend on an implicit Adherence to one Party, or one System of Measures, but on a Conduct regulated according to the prevailing Dictates of Judgment and Conscience: all other, is but the Obstinacy of Ignorance, ashamed to confess an Error, or the Pertinacity of a depraved Mind hardened against Compunction.

I must do this Remarker, however, the Justice to own that *he* is extremely consistent. His Zeal for Party is so furious, that he does not scruple to falsify the Text of my Letter, and create Passages, in order to make Way for his own factious Comment.

Thus he is kindly pleased to advise me whenever I address myself to the Great Man again, to make no Encomiums on——“ those Principles

§ See Remarks, p. 14,

“ which

“ which he urged and defended in Opposition to
 “ Sir Robert Walpole §.”

This he does not scruple to mark as a Quotation from my Pamphlet, in which no such Passage is to be found. It is true that in tracing the Progress of Venality, I use the Freedom of addressing the Great Personage in the following Terms——“ You, Sir, have been Witness to the Arts of Corruption. It is many Years since your youthful Ardour first contributed to check its Progress and defeat its Designs. You have happily survived to fill a Post in the Administration, where you have an Opportunity of enforcing by your Practice, those Principles which you then so nobly urged and supported †.”

Who could have imagined that the Remarker would have been so satirical as to construe an Opposition to Corruption, and an Opposition to Sir Robert Walpole to be one and the same Thing? I believe the worst of Robert's Enemies will not venture to say that every Step he took was measured by Corruption: no Doubt therefore but some of his Measures were unreasonably opposed.

It seems, however, that I have been so unhappy as to offend the Remarker's Delicacy, by what he is pleased to call some Strokes of Adulation. I have ventured indeed to say that “ the Blessings of Reformation are expected at the Secretary's Hands: that if he forsakes us, all is over †.” By which nevertheless I would not be understood to intimate, what the Remarker, as he thinks, wittily insinuates, that——“ our Liberty, our Property, our Grandeur, and our Virtue, must all fall with his Defection”—I mean no more than that, if He forsakes his Principles, if He is false to his own repeated Promises and Declarations, if

§ See Remarks, p. 23. † See Reasons, &c. p. 31.

† See Reasons, &c. p. 41.

HE stops short in these Schemes of Reformation by which he has deservedly acquired such uncommon Confidence and Popularity—then we can no longer depend on any Man's Probity and Professions—then we must give over all Hopes of Amendment—then we must be content to go on in a gradual Decline; till at length we fall Victims to the Abuses of usurping Ministers, and the Struggles of pretended Patriots: unless we have Recourse to desperate Remedies, which instead of curing the internal Disorders of the Constitution, may, as it has done formerly, accelerate its Destruction.

When I pronounced the Secretary “the *chief* Instrument of the happy Change we have already experienced §,” I cannot accuse myself of Flattery. We all know in what a distressed Condition our Affairs stood when he entered into the Administration. The miserable Circumstances attending that Conjunction, broke the Knot of *extensive Influence and personal Authority*, and enabled his Majesty to make a free Election. Happily the Voice of the People applauded the Sovereign's gracious Appointment; and the uncommon and unparalleled Success which has attended our Affairs since the present Secretary had so great a Share in their Direction, is a sufficient Warrant for our pronouncing *him*, under his Majesty, which is always to be understood, the chief human Instrument of the happy Alteration. In this Opinion, the People seem to be almost unanimous; and I hope the Gentleman will not be angry with me, if I do not attempt to be wiser than a Nation.

But I have not scrupled to observe, that though he has contributed much to the desirable End of Reformation, yet much remains to be done. I have presumed to remind him of those Things which are expected from his Prudence, Spirit and

§ See Reasons, &c. p. 46.

Virtue ; and I take the Liberty of adding—" Let
 " your *future Conduct* be your Elogium §." Judge
 then, my Countrymen, whether I have spoken the
 Language of a Flatterer.

Little Minds, which determine from their own
 Feelings, may construe the Zeal of grateful Ap-
 plause into Adulation. The Praise, however, which
 we bestow on the Deserving, should be called by
 another Name : and, though I hope I shall always
 have Virtue enough to make my warm Acknow-
 ledgments to Merit, yet I disclaim all Flattery.

Had I an Inclination to have flattered the Mini-
 ster, yet I know him sufficiently, to be assured that
 the Incense would be ungrateful to him. The
 Flatterer compliments the Idol of his Adulation
 with boundless Power ; whereas the End of my
 Address was to abridge Ministerial Influence : and
 for that Purpose, I urged *Reasons why the approach-
 ing Treaty of Peace should be debated in Parliament.*

Here, my Countrymen, give me leave to expa-
 tiate farther on the Expedience of this Mode of
 Negociation. Permit an unknown Individual to
 expostulate with you on this Occasion, and do not
 think it Presumption in one Man to propose Regu-
 lations seemingly new, on a Concern of such
 Moment.

An eminent Politician has told us, that " it is
 " not below the Dignity of the greatest Assembly,
 " but agreeable to the Practice of the best Com-
 " monwealths to admit, any Man to make Proposi-
 " tions for the Good of his Country." The best po-
 litical Writers have laid it down as a Maxim, that
 the devising of Expedients is the proper Office of
 one Man, though the Choice of them belongs to
 an Assembly : As one Man cannot have the strength
 of Judgment which there is in a multitude of
 Counsellors.

The *Reasons I offered why the expected Treaty of Peace would be debated in Parliament*, acquire fresh Strength from the Diversity of private Opinions which have since appeared among some of our ablest Writers and most intelligent Politicians, on this Subject.

The Author of the *Letter to two Great Men*, who, as I observed, and with the Remarkers's leave must again repeat, appears to be well experienced in National Affairs, has recommended Terms to be insisted upon at the ensuing Negotiation, which are some of them reasonable, and most of them specious.

Nevertheless a Writer * of not unequal Abilities, and, if I am right in my Conjecture as to his Person, as amply furnished with Opportunities of Information, especially with Regard to our Colony Concerns, has undertaken to contravert almost every Particular. Both are plausible; but it is foreign from my present Purpose, to examine whose Proposals are most just, or whether either of them are expedient.

Various have been the Terms recommended by other Writers of inferior Talents and Consideration. But, without entering into the Merits of their respective Plans, it will suffice to observe, that such Contrariety of Sentiment on so momentous a Point, is a powerful Argument to prove that the concluding a Treaty of Peace, is so arduous a Task as ought not to be left to the Conduct of any *Two Men*.

But did not the Exigence of the Case direct the regular Method of negotiating, yet our Constitution, as I have shewn by Authorities † cited in my Letter, prescribes such Negotiations to be conducted by the *Advice and Consent of Parliament*.

* The Author of a Pamphlet, entitled, *Remarks on the Letter to two Great Men*.

† See Reasons, &c. from p. 22. to p. 29.

Had it been impossible however to have produced Instances in Point, yet the Reason of State, in a free Government like ours, strongly indicates the Necessity of parliamentary Deliberation and Council on such important Subjects.

The true Difference, my Countrymen, between a free and a slavish Government is, that in the former the Magistrates must consult the *Voice* and Interest of the People, whereas in the latter, the Will and Interest of the Governors is the sole Measure of the Administration.

Power, among us, ought to be properly divided. Every irregular Usurpation of it, is a Surfeit which disorders the Kingdom and excites Faction. As a good State of Health contributes to dispel the Gloom and Melancholy which oppresses the Spirits, so a well ordered Government tends to banish the Disagreement of Party Animosities.

All Governments have tended towards Despotism, where the Magistrates have conducted the Administration independent of the Advice of the People; when *Charles XIth* of *Sweden* found Means to dispense with the Provision which ordained, that *the King should govern with the Advice of the Senate*, he soon seized an Opportunity of making the Government absolute.

If the Expedience of the Method I recommend may be proved from the Principles of abstracted Reasoning, what additional Force does it acquire, when supported by the Precedents I produced in Evidence of a continued Practice conformable to such Principles?

It will be in vain to urge that such Precedents are of antient Date. It may be replied, that though the private Franchises of particular Persons or Places may be lost by Nonuser, yet the essential and fundamental Rights of a Kingdom, cannot be forfeited for want of Usage or Claim.

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They are, in their own Nature, unalienable ; and I will be bold to say, that even a Parliament cannot legally transfer or surrender them. If they do, it must be by an Act of Power not of Right : and no such Acts can be binding against their Constituents, any longer than Force and Violence gives them Continuance.

There are no Doubt some Constitutional Rights which a Parliament cannot legally alter or annul. Will any Man say that the Rump-Parliament had a Right to vote the House of Peers useless, to subvert the Constitution, and establish a new Form of Government ? Or will any Man say that a Parliament can declare their Seats in the House to be Places for Life ?

Their Power is so limited in some Cases, that they cannot give up even their own Privileges, not so much as their personal ones, though they may, with Leave, wave them on particular Occasions, so as not to prejudice the general Right.

The Reason why they cannot make such Resignation is, because all the Rights and Privileges they enjoy, all the Honors they receive, are for the Honor and Interest of their Constituents : therefore they cannot alien or surrender them.

That Parliaments have been consulted and advised about making Treaties of Peace, and have consented to their Conclusion, is evident from the many Authorities cited, through several successive Reigns, in my Letter : and we see that no Disuse or Want of Claim, can operate to the Prejudice of this constitutional Right.

But as the Practice has not properly prevailed during his Majesty's Reign, or that of his immediate Predecessors, it may not be adviseable as I hinted in my Letter, or consistent with the nice Duty and Respect which we owe to our gracious Sovereign, to apply for the Revival of such Practice, as a Matter of *Right*.

Indeed

Indeed such a Form of Application would be as needless as disrespectful. For such is his Majesty's known Goodness and tender Regard for the Privileges and Liberties of his Subjects, that by only reminding him of such a constitutional Practice, we shall recover the *Right*, without rudely insisting upon it, *eo Nomine*.

But there are a Set of Men who will be ready to exclaim that this Proposal tends to lessen the Prerogative: and the Crown, they will tell us, wants Power. It may indeed want Power *over themselves and their Patrons*: and their pretended Zeal for the Crown is only a Mask, under which they secretly endeavour to extend their own undue Influence.

The Constitution has lodged as much Power in the Hands of the Crown, as a good King, who governs for the Interest of his People, would wish to exercise. It is true that usurping Ministers have formerly invaded the Prerogative, and given Laws both to the King and People: and these very Ministers, as was natural, have been the loudest Advocates for the Power of the Crown.

The re-establishing the constitutional Intercourse between the Sovereign and his Parliament, is the only effectual Means of securing the Crown against such Insults and Invasions for the future. If ambitious and designing Men should ever force themselves into the Administration, they will rule their Master and the Kingdom; and, to conceal their Usurpation, they will transfer the Business of Parliament to the Cabinet.

Cabinet Councillors, we know have been Cabinet Dictators. What Mischiefs have not arisen from Cabinet Intrigues? It was in the Cabinet, that the Treasurer Lord *Oxford* and Mr. Secretary *St. John*, concluded the shameful Treaty of *Utrecht*: and can any Man suppose that the Articles would

would have been so inglorious and equivocal, if it had been regularly made, by the *Advice and Consent* of Parliament? I say *Advice and Consent*, for I am aware that it was *debated* in Parliament; and it should be remembered to their Honor, that the Peers, among whom Lord *Nottingham* particularly distinguished himself, were the Patriots on this Occasion, while the Commons testified an inglorious Compliance *.

Such a Mode of Negotiation is so far from having a Tendency to impair or diminish the Prerogative, that in fact it will contribute to strengthen and confirm it; and secure the Crown and the Kingdom against the Usurpation of any future *Oligarchy*, under the specious Title of a *Cabinet Council*.

There are many who talk of the Prerogative, without seeming to have a just Idea of its Nature and Extent. Thus when they say that it is the King's Prerogative to make War and Peace, they say right. But if they mean that, therefore it is needless for the Crown to take the Advice of the great Council, that is, the Parliament, perhaps they say too much.

It is undoubtedly, as it ought to be, the royal Prerogative alone, to make War and Peace, so far as the Power is *executive*.—That is, it belongs to the Crown, as the executive Branch, to ratify Treaties, and issue Proclamations of War and Peace; and such Proclamations have the Force and Effect of a Law.

But it does not follow therefore, that the Great Council have not the Right of giving their Advice upon, and their Consent to, the Terms of such

* One of our monthly Writers has, indeed very justly, objected to a Note concerning this Treaty in my Letter: but if he had attended to the Context, he would have found that this was only an Error of Expression, and that I strongly insist throughout, on the *Advice and Consent* of Parliament.

Treaty. It should be remembered that the *executing* an Instrument, and the *framing* of that Instrument, are distinct Points of Consideration.

All Acts of Parliament are executed by the Sovereign, and they are the Acts of the Crown, as appears from the enacting Clause, which always runs thus—"Be it ENACTED *by the King's most* " *excellent Majesty, by and with the Advice and* " *Consent of the Lords Spiritual and Temporal,* " *and Commons, in this present Parliament assem-* " *bled, and by the Authority of the same, that, &c.*"

Yet no one sure will argue from hence that the Crown has the sole Prerogative of framing such Statutes. No. They are the Acts of the Crown; but framed by Parliament: And the Authority for *executing such Acts*, is the Advice and Consent of Parliament.

In like Manner with respect to Treaties, though they are Acts of Prerogative, yet the Authority for executing such Acts, has been, and we trust will be again, the *Advice and Consent* of Parliament. Execution is the proper Prerogative of the Head of the Commonwealth, Deliberation and Advice is the Privilege of the Body.

We know that *War*, in Effect, cannot be declared without the Consent of Parliament. The Nature of our Constitution has thrown a Barrier in the Way: For the Supplies to carry it on must be drawn from Parliament.

Why then should Peace be concluded without such Authority? The making Peace as well as declaring War, are both supposed to be Acts for the Good of the People, and it is strange to imagine that either should be carried into Execution without their Advice and Consent.

This, my Countrymen, is the Mode prescribed by the Constitution, and I will venture to add, by Reason and Justice. Nothing can be more agreeable to Equity and common Sense, than the Words
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in the Writ of Edward the I. which I took for the Motto of my Letter, and which I beg Leave to repeat.

“ *Lex justissima, provida Circumspectione stabilita, ut quod omnes tangit, ab omnibus approbetur.*” It is, says this wise Prince,—“ a most just Law, established with the most provident Circumspection, that what concerns all, should be approved by all.”

Here we have the highest Assurance of the Justice, Expedience, and *Legality* of this Practice. We have the Word of a King, of a King of England, and one of the wisest that ever sat on the Throne, that it is a most *just Law*.

He has acknowledged the People's Rights in the strongest Terms : Though, if he had not, the Nature of our Government would have suggested them to the plainest Understanding. The Tricks of State may be hard to comprehend, but the Principles of a free Government are obvious to a common Capacity.

Happily the Arts of Refinement and Finesse are banished from the Administration. Neither our Sovereign or his Ministers need have Recourse to mean Shifts and Expedients. Their Designs being just and generous, their Conduct is open and undisguised. They do not endeavour to abridge the Liberties, or fetter the Opinions, of the Public.

The Freedom with which every Man declares his Sentiments, is the Effect and Sign of good Government. We live in those blest Times which *Tacitus* describes——“ *Rara Temporum Felicitas, ubi sentire quæ velis, & quæ sentias dicere licet.*” —“ Such is the singular Felicity of the Times, that every Man may entertain what Opinion he pleases, and declare what he thinks.”

Indeed some selfish narrow minded Placemen and Dependents, now and then presume to whisper that private Men have no Business to interfere

with Affairs of Government. But they are ignorant of the Principles of our Government, or they are base enough to speak the Language of Slavery for private Purposes.

To say that private Men have no Right to intermeddle with Government, is to maintain that they have nothing to do with what most nearly concerns their own Happiness and Misery. As the whole, says a spirited Writer, should be concerned for the Preservation of every Individual, so it is the Duty of every Individual to be concerned for the whole, in which himself is included.

This Principle is agreeable to the Spirit of our Constitution. Our Ancestors were so far from thinking that private Men had no Right to interfere with Government, that our Records afford Instances, where the House of Commons have declined entering upon Questions of Importance, till they had gone into the Country, and consulted their Principals, the People : And we know the Time when the Cause of assembling the Parliament was declared before their Meeting, that they might have Time to receive the Instructions of their Constituents, on the proposed Subjects of Deliberation.

Such a Practice might at this Time however be deemed impracticable ; and perhaps it would be needless : For as the Channels of Intercourse and Correspondence are considerably multiplied to what they were formerly, and as every Man, as I have observed, has the free Liberty of expressing his Sentiments, our Representatives need not be Strangers to the Desires of their Constituents.

Nevertheless though our Government admits of all the personal Freedom which Subjects can desire, yet our Constitution does not rest on that free Footing on which we could wish to see it established. *Montesquieu* very judiciously distinguishes between
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the Liberty of the *Constitution*, and the Liberty of the *Citizen*.

The first, he justly observes, consists in the *just Distribution of Power among the three Orders of State* : But the second depends on the real Security of the Subject, or on the Opinion that every one entertains of his Safety.

It may happen that the *Constitution* may be free, and yet the *Citizen* may not be so. The *Citizen* likewise may be free, and the *Constitution* may not. In such Cases, the *Constitution* will be free by *Right*, but not in *Fact* : And the *Citizen* will be free in *Fact*, but not in *Right*.

Liberty, with Regard to the *Constitution*, depends on the due Exercise of fundamental Laws : But with respect to the *Citizen*, prevailing Manners, Morals, and Examples may give it Existence.

It is observable that *Montesquieu* has exactly described our present Condition. Our *Constitution* is free by *Right*, but not in *Fact* : As *Citizens* we are free in *Fact*, but not by *Right*.

The Encroachment of past ministerial Usurpation has destroyed the Liberty of the *Constitution* ; the Morals and good Examples of the Sovereign and present Ministry, have preserved the Liberty of the *Citizen*.

But Oh ! I must again repeat it, how precarious is that Liberty which depends on the personal Virtues of its Magistrates ? As they cannot answer for the Abilities and Inclinations of their Successors, if we do not secure our Freedom in Point of *Right* as well as *Fact*, it may probably expire with our present Governors.

This evinces the Necessity of reviving the constitutional Mode of Administration, and of restoring the due Influence of Parliament. Constitutional Liberty, which consists in the just Distribution of Power among the three Orders of State, and depends on the due Exercise of fundamental
Laws,

Laws, has been subverted by a Power unknown to the Constitution ; by, I may say, an Excrecence in Government, which, though no Order itself, has extended its Usurpation over all the three.

A fairer Occasion never offered for destroying this unnatural Influence. We have all moral Certainty, from the good Disposition of the Sovereign and his Ministers, that they will concur in any Measures for the Security of public Liberty.

If we can procure the approaching Treaty of Peace to be concluded by the Advice and with the Consent of Parliament, it will open the constitutional Intercourse between the King and the national Council, and will put an End to all intermediate and unnatural Influence, which has been illegally obtained.

To say that this would be throwing too much Power into the Hands of the Commons ; that our Government is already too much of the Democratic Cast ; and too strongly tinged with Republican Principles, is rather to raise Quibbles, than to offer reasonable Objections. Such Men either deceive themselves, or artfully attempt to impose upon others.

There is no Possibility of establishing a Republic in this Kingdom, while the present State of Property subsists. Unless Men of overgrown Fortunes could be persuaded to throw their Estates into *Hotchpot*, in Order to settle an *Agrarian*, there is no Fear of a Commonwealth. And we apprehend that it will be no easy Matter to incline the unweildy and pampered Sons of Opulence, to such self-denying and levelling Principles.

Could the most distant Prospect of Inconvenience arise from restoring the constitutional Influence of Parliament, no Well-wisher to his Country, no Man sensible of the Perfection of our present Form of Government, would wish to try the Expedient : But in Truth it is the only Method to fix our Government on its true and original Basis, and to make the Foundation lasting. Shall

Shall the Parliament, who have freely voted unprecedented Millions for prosecuting this successful War, have no Share in concluding Peace? Shall they assemble in solemn Council to determine whether Spirits shall be distilled from Malt or Sugar—Whether a Road shall be cut through one Parish or another—And whether a Bridge shall be constructed from *Fleet-ditch* or *White-friars*: And when the most important Concerns of the Kingdom are under Consideration, shall they be excluded from Debate? Shall they, I must repeat it, who are chief *Parties* to the Treaty, not be *Privies* to it? Forbid it Justice! Forbid it Sense! Forbid it Liberty!

In short, let the Treaty be ever so admirably framed, yet it cannot give Satisfaction, unless it be concluded in the Manner which the Constitution prescribes. The Wisdom and Integrity of the present Ministry afford us the strongest Assurance, that we should have no Reason to repent a Treaty concluded under the Influence of their good Councils; but the same exclusive and irregular Authority may, in some succeeding Administration, produce another Treaty of *Utrecht*.

We need not scruple to affirm, that for Years past, more especially since the Revolution, all our domestic Discord and Divisions have been owing to the Tyranny of a Prime Minister, or to an Oligarchic Usurpation.

The Time is now come to put an End to it, by putting the national Councils into their proper Channel; which is only to be effected by restoring the constitutional Authority of Parliament, which ought, as I have shewn, to prevail in all weighty Concerns which require mature Deliberation: And to this End we hope that the approaching Treaty of Peace will be debated in, and concluded by the Consent of, the great Assembly of the Nation.

Men who are for going on in the old Track,
may

may call this Innovation and Refinement : But it will be in vain for them to argue against the free Principles of our Constitution, defended by sound Maxims of Policy, and the Force of Practice supported by solemn Precedents.—Be not deceived, they either speak the Language of Ignorance or Self-interest.

Thus, my Countrymen, I have endeavoured to prove both the *Reason* and the *Right* of the Mode of Negotiation I have presumed to recommend : And it is to be wished that every Man would exert his Endeavours to procure the Re-establishment of a Practice so constitutional and essential to the Welfare of this Kingdom.

It behoves us respectfully to remind our Representatives of the Duties which they owe to themselves and to their Constituents : And the Recollection will infallibly engage them to assert their own Dignity, by maintaining the national Rights.

If we lose this happy Opportunity of putting in our Claim, when the Justice and Generosity of the Sovereign, and the Prudence and Moderation of the Ministry invite our Petitions, and give us the strongest Assurance of Success, we shall make a bad Use of the Freedom we enjoy by the Indulgence of the Administration.

If we do not endeavour to make the *Constitution* free in *Fact* as well as by Right ; if we are tamely content with our own present and precarious Freedom as *Citizens*—How shall we answer the Indolence and Negligence to ourselves ?

But above all, should the Blessing last for our Time, yet how shall we answer it to Posterity, to entrust the Security of their Liberties and Properties to the personal Virtues of, perhaps unborn Governors ?——Reflect,——Farewell. I am, a Friend to you all, in being a Friend to the Constitution.

F I N I S.